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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,549	03/29/2004	Thomas K. Hong	67 TH-14-US	8297

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EXAMINER

WALTERS, JOHN DANIEL

ART UNIT PAPER NUMBER

3618

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,549

Applicant(s)

HONG, THOMAS K.

Examiner

John D. Walters

Art Unit

3618

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 4, 6 – 16 and 18 – 20 have been examined. Claims 5 and 17 have been canceled by Applicant.

The remarks filed by Applicant are replete with typing errors relating to non-alphanumeric characters. It appears that apostrophes have been shown as “ = ”, that open quotes have been shown as “ A ”, that close quotes have been shown as “ @ ”, and that “ § ” have been shown as “ ’ ”. While this does not bear on the merits of the document, future correspondence with the Office should be scrutinized more thoroughly for errors before submission.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 – 16 and 18 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 states, “wherein in said folded storage configuration, said top surface of said front board portion faces said top surface of said rear board portion.”

It is clear from figure 5, in the folded configuration the top surface of front board surface faces the top surface of the central board portion. The rear surface of the front board surface faces the top surface of the rear board portion.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4 and 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931) in view of Thompson (781,243).

Globerson discloses a folding skateboard comprising:

- a central board portion (Fig. 1, item 16), a front board portion (Fig. 1, item 14), and a rear board portion (Fig. 1, item 18);
- a front hinge means for longitudinal folding of said front board portion and said central board portion with respect to each other, wherein said front board portion and said central board portion face each other (Fig. 3, item 32);
- wherein said front hinge means comprises a front pivot hinge (column 2, lines 31 – 38);
- a rear hinge means for longitudinal folding of said rear board portion and said central board portion with respect to each other, wherein said rear board portion and said central board portion face each other (Fig. 3, item 34);

- wherein a front pivot axis and a rear pivot axis are oriented transversely to a longitudinal axis running from tip to tail of said board portions (Fig. 1);
- a front locking means mounted on one of said front board portion and said central board portion (Figs. 4 and 4A & column 3, lines 46 – 59);
- a rear locking means mounted on one of said rear board portion and said central board portion (Figs. 4 and 4A & column 3, lines 46 – 59);
- a front wheel carriage (Fig. 1, item 28);
- a rear wheel carriage (Fig. 1, item 30).

Globerson does not include a folding configuration wherein top surfaces of said board portions face each other when folded. Thompson, however, discloses a foldable truck comprising:

- a top portion of a first board portion (Fig. 2, item A) facing a top portion of a second board portion (Fig. 2, item A') when folded (Figs. 1 and 2);
- a locking hasp (Fig. 2, items 4 and 5).

While Thompson only discloses two board portions, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the teaching of Thompson to folding boards with additional segments in order to gain similar benefits as those listed below.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the folding mechanism of Thompson with the folding skateboard of Globerson in order to provide a compact and easily stored folding configuration (lines 57 – 65).

Claims 6 – 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931) in view of Thompson (781,243) as applied to claims 1 – 4 and 13 – 16 above, and further in view of Broome (1,302,301). Globerson in view of Thompson does not make use of a dead bolt type securing device. Broome, however, discloses an automotive creeper comprising:

- a dead bolt (Fig. 1, item 9) slidably mounted within a main housing secured to one board portion whereby a receiving portion is located on an adjacent board portion (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the dead bolt locking mechanism of Broome with the folding skateboard of Globerson in order to provide additional rigidity and ease of securing to the unfolded skateboard.

Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931) in view of Thompson (781,243) and Broome (1,302,301) as applied to claims 6 – 10 and 18 above, and further in view of Akonteh et al. (4,084,831). Globerson in view of Thompson and Broome does not disclose the use of a braking mechanism. Akonteh, however, discloses a skateboard with control unit comprising:

- a braking means (Fig. 3);
- a pivot axle (Fig. 3, item 72);

- an actuation arm (Fig. 3, item 92);
- a brake pad (Fig. 3, item 56).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the braking mechanism of Akonteh with the folding skateboard of Globerson in view of Thompson and Broome in order to provide braking force while said board is oriented with all four wheels on the pavement.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Globerson et al. (6,131,931) in view of Thompson (781,243) and Broome (1,302,301) as applied to claims 6 – 10 and 18 above, and further in view of Blayney (266,601). Globerson in view of Thompson and Broome do not make use of a catch and notch type dead bolt. Blayney, however, discloses a door bolt comprising:

- a notch portion (Fig. 1, item c);
- a catch portion (Fig. 1, item D).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to place said catch and said notch on either a bolt portion of said lock or a receiving portion of said lock. These are equivalent structures.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the catch and notch dead bolt of Blayney with the folding skateboard of Globerson in view of Thompson and Broome in order to add security to the latching mechanism.

Response to Arguments

Applicant's arguments, see page 7, filed 4/11/2006, with respect to the drawings have been fully considered and are persuasive. The objection of 11/28/2005 has been withdrawn.

Applicant's arguments, see page 7, filed 4/11/2006, with respect to 35 U.S.C. § 112 have been fully considered and are persuasive. The rejection of 11/28/2005 has been withdrawn.

Applicant's arguments, see pages 7 and 8, filed 4/11/2006, with respect to the rejection(s) of claim(s) 1 – 4 and 13 – 16 under 35 U.S.C. § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a review of the prior art of record in relation to Applicant's amended claims.

Applicant's arguments, see pages 8 – 10, filed 4/11/2006, with respect to the rejection(s) of claim(s) 5 – 12 and 17 – 20 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a review of the prior art of record in relation to Applicant's amended claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Carroll (4,094,524) discloses a skate board braking and steering system;
- Bradshaw (2003/0071429) discloses a transportation apparatus;
- Schnuckle et al. (2003/0127816) disclose a foldable skateboard.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

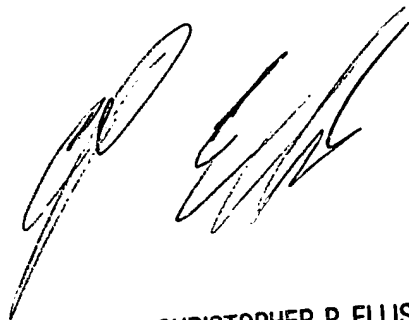
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDW

A handwritten signature consisting of the letters 'JDW' enclosed within a circle.

John D. Walters
Examiner
Art Unit 3618

A handwritten signature consisting of stylized, overlapping cursive letters.

CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600